

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**

for the

Western District of Texas

January 14, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: Myrna Gallegos
DEPUTY

United States of America

v.

Emiliano ROJAS

Case No. **EP-25-MJ-** 1601 **-ATB**Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 8, 2025 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 18, United States Code,
Section 924(a)(1)(A)

Provide False Information to a Federal Firearms Licensee to Obtain Firearms

This criminal complaint is based on these facts:

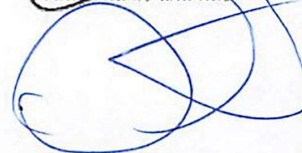
See Attached Affidavit Which is Hereby Incorporated by Reference

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 01/14/2025City and state: El Paso, Texas*Complainant's signature*

Mashaun Montgomery, Special Agent - ATF

Printed name and title*Judge's signature*

Anne T. Berton, U.S. Magistrate Judge

*Printed name and title*Complaint sworn to telephonically on
January 14, 2025 at 1:14 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

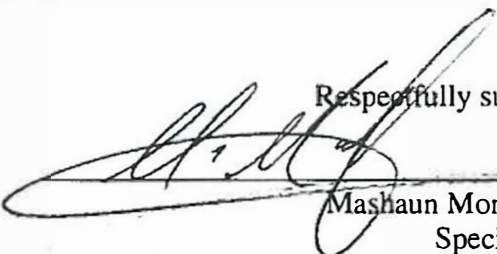
AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Mashuan Montgomery, first being duly sworn, does hereby depose and state as follows:

1. On or about January 10, 2025, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agents (SA) reviewed ATF Form 4473 Firearms Transaction Record related to firearm purchases made by Emiliano ROJAS from a Federal Firearms Licensee (FFL) located in El Paso, Texas, in the Western District of Texas.
2. The ATF Form 4473 is a record required by law to be maintained by Federal Firearms Licensees.
3. The ATF Form 4473 revealed that on January 8, 2025, ROJAS attempted to purchase three Taurus pistols. The pistol information is as follows: Taurus, model G2C, 9mm, handgun, serial number: AED260086; Taurus, model G3C, 9mm, handgun, serial number: AGG27842; and Taurus, model G3C, 9mm, handgun, serial number: AGDI36994. ROJAS paid for the firearms with cash however, they were not transferred.
4. ROJAS listed a specific address in the 3500 block of Truman Ave, El Paso, Texas 79930 as his residence on the ATF Form 4473.
5. On January 10, 2025, ATF SA's went to the residence located on Truman Ave, El Paso, Texas 79930 and interviewed the resident who stated they moved into the residence on or about November 16, 2024. That person provided a written lease agreement to corroborate their statement. That person further added that the Truman Avenue address location is a basement apartment and that ROJAS, whoever he or she is has not resided there.
6. ATF SA's later returned to the FFL and seized the firearms.
7. On January 13, 2025, ROJAS entered the U.S. from Mexico at the Paso Del Norte Port of Entry. ATF and HSI SA's interviewed ROJAS at the port. Agents advised ROJAS of his Miranda Rights in the Spanish language. ROJAS stated that he was willing to talk with agents without an attorney present.
8. ROJAS stated ROJAS is currently living at a residence in Juarez, Chihuahua, Mexico. ROJAS stated he lives with his live-in girlfriend at the residence. ROJAS stated he has been living in the residence in Mexico for about two years. ROJAS stated the address on his Texas Identification card and ATF Forms 4473 was the address where ROJAS previous girlfriend lived. ROJAS advised that he had not stayed at the Truman Ave, El Paso Texas 79930 address in over two years. ROJAS stated he last visited the address over five months ago. ROJAS stated he does not know who currently resides at the residence.

9. ATF SA's showed ROJAS a copy of the ATF Form 4473 from ROJAS attempted purchase on January 8, 2025. ROJAS did admit to filling out the ATF Form 4473 and signing the document. ROJAS stated he did understand the ATF Form 4473. The ATF Form 4473 was written in Spanish which ROJAS stated he speaks and reads. ATF SA's asked ROJAS what his intent was when purchasing the firearms. ROJAS stated firearms are cheaper in America. ROJAS stated he purchased the three firearms to take back to Mexico. ROJAS stated one firearm was for him, the other two were for his brother and uncle. ROJAS stated the purchasing of the firearms was his idea and he was not asked to purchase the firearms.
10. Based on the aforementioned facts and circumstances, your affiant believes probable cause exists that Emiliano ROJAS knowingly provided false information on ATF Forms 4473 when ROJAS stated ROJAS was living in El Paso, Texas but was actually living in Mexico during the purchase of the firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A). This affidavit is submitted for the purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning the investigation.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,

Mashaun Montgomery
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn to me the 14th day of January 2025.


Anne T. Berton
UNITED STATES MAGISTRATE JUDGE